

**EXHIBIT 2**

**REDACTED VERSION  
OF DOCUMENT  
SOUGHT TO BE SEALED**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

-oOo-

WAYMO LLC,

)

)

Plaintiff ,

)

)

vs.

)

Case No: 3:17-cv-00939-WHA

)

UBER TECHNOLOGIES, INC.,

)

OTTOMOTTO LLC, OTTO TRUCKING,)

LLC,

)

)

Defendants.

)

)

CONFIDENTIAL - ATTORNEYS' EYES ONLY  
VIDEOTAPED DEPOSITION OF DANIEL GRUVER  
San Francisco, California  
Thursday, April 20, 2017

Reported by:

LISA R. TOW

CSR No. 6629

Job No. 2599857

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1 MR. PERLSON: Q. When you joined 280  
2 Systems did you evaluate any type of sensors  
3 for self-driving vehicles other than lidar?

4 A. I was involved with discussions  
5 about cameras and radar.

6 Q. And who were those discussions  
7 with?

8 A. I don't know who. I mean, I don't  
9 recall who.

10 Q. Like at the time, who would you  
11 have been working with? There weren't that  
12 many people.

13 A. Yeah. Yeah. So, engineers.  
14 Soren, Claire. Jur, maybe. J-U-R.

15 Q. Soren. Can you give the last  
16 name?

17 A. Juelsgaard.

18 Q. And then Claire?

19 A. Delauney.

20 Q. And then Jur?

21 A. Oh, boy. I can't remember his  
22 last name.

23 Q. Okay. We won't let him know.

24 The -- so did -- when you joined --  
25 let's say in the first month or so at 280

1 Systems, would you say that in relation to  
2 evaluating sensors that you spent the  
3 majority of your time evaluating lidar  
4 sensors as opposed to radar or cameras?

5 A. I would, yes.

6 Q. And why is that?

7 A. My past experience with evaluating  
8 lidar.

9 Q. Okay. And that's the past  
10 experience of Google?

11 A. Yes, but not exclusively.

12 Q. Okay. What other experience with  
13 lidar that you had other than your work with  
14 Google?

15 A. At 510 Systems.

16 Q. And that was acquired buy Google;  
17 right?

18 A. Correct.

19 Q. So, have you had any experience  
20 with lidar outside of either 510 Systems or  
21 at Google?

22 A. Yes, I had done remote sensing  
23 work at SRI International.

24 Q. Okay. And how long were you at  
25 SRI?

1 A. Project manager.

2 Q. Was there a Spider team?

3 A. There were engineers working on  
4 Spider.

5 Q. Who were the engineers that worked  
6 on Spider that you can recall?

7 A. James Haslim. Dan Ratner. Max  
8 Levandowski,  
9 Tri Long, Florin Ignatescu, George,  
10 Caroline, maybe. Radu, Gaetan, Ben, Mike,  
11 Asheem.

12 I might be missing some.

13 Q. That's a pretty good list.

14 And did Mr. Levandowski do work in  
15 relation to lidar?

16 A. Clarify that.

17 Q. Fair enough.

18 Did Anthony Levandowski do work in  
19 relation to Spider?

20 A. Can you clarify "work"?

21 Q. Well, what was -- how was Anthony  
22 Levandowski involved in the Spider design?

23 A. I would describe him as a product  
24 manager.

25 Q. And what does that mean?

1           A.    I don't believe there was any --  
2   so, no.  I don't believe there was any  
3   single person that --

4           Q.    Would Anthony Levandowski have had  
5   input into that design?

6           A.    Yes.

7           Q.    Do you know whether the design of  
8   Spider was derived from the GBR3 design at  
9   Google?

10          A.    I don't believe it was.

11          Q.    Why not?

12          A.    I don't think there was any  
13   consideration to that system when building  
14   Spider.

15          Q.    But you don't know who,  
16   specifically, chose the lens design of  
17   Spider; right?

18          A.    So, I think it was a combination  
19   of the engineers involved, sort of  
20   discussions of optics.  There were, at some  
21   point, a handful of different optical  
22   designs being considered that involve all  
23   the considerations you would make with an  
24   optical system.  Focal length, beam  
25   divergence, combining emitters and

1 detectors, fields of view --

2 (Whereupon the court reporter could not  
3 understand, requested the witness repeat)

4 THE WITNESS: Emitters and detectors.

5 MR. PERLSON: Q. And you can't say  
6 that you were involved in all of those  
7 discussions; correct?

8 A. I can or can't? Sorry.

9 Q. You cannot.

10 You were not involved in all of the  
11 discussions in relation to the consideration  
12 of the Spider lens design; fair?

13 A. Probably not.

14 Q. Did you ever ask anyone involved  
15 in the design of the Spider lens design  
16 whether they had derived it in any way from  
17 GBR3 design at Google?

18 A. I am unaware of the GBR3 design.

19 Q. Okay. That's not something you  
20 were involved in at Google?

21 A. No, I believe I left before the  
22 work continued on or work started on GBR3.

23 The last I recall, there was a GBR2  
24 that we were using.

25 Q. Do you -- did you ever ask anyone

1 involved in the design of the Spider lens  
2 design whether they had derived it in any  
3 way from any design at Google?

4 A. I did not.

5 Q. Do you know whether Otto or Uber  
6 has ever investigated whether the design of  
7 the Spider lens design had been derived in  
8 any way from any design at Google?

9 A. I'm sorry. Repeat the first part.

10 Q. Sure.

11 Do you know whether Otto or Uber has  
12 ever investigated whether the design of the  
13 Spider lens had been derived in any way from  
14 any design at Google?

15 MR. MUINO: I would just caution the  
16 witness not to reveal anything you may have  
17 heard from attorneys with respect to that  
18 subject.

19 THE WITNESS: So I don't know if they  
20 have or not.

21 MR. PERLSON: Q. There's -- we've been  
22 informed in this case through various  
23 filings and representations by counsel of  
24 both Uber and Mr. Levandowski that there was  
25 some sort of due diligence report that was



1 created in connection with the acquisition  
2 of Otto by Uber.

3 Do you have any knowledge of such  
4 report?

5 A. I don't.

6 MR. MUINO: Sorry. Just the same  
7 caution.

8 MR. PERLSON: Q. Were you involved at  
9 all in Otto's -- let me start over again.

10 Were you involved at all in any of the  
11 due diligence that Uber did in its  
12 acquisition of Otto?

13 A. No.

14 Q. Do you know who was?

15 A. I don't.

16 Q. How far in advance of the  
17 acquisition of Otto by Uber were you aware  
18 that Uber was considering acquiring Otto?

19 A. I think I found out the same time  
20 everyone else did. When it was publically  
21 announced by Travis to our team.

22 Q. So, Mr. Kalanick -- he announced  
23 it to your team?

24 A. It was -- so there was a  
25 presentation to our team given by Travis and

1 Anthony to the Otto team, announcing the  
2 acquisition.

3 Q. And that was around the same time  
4 that it was publically announced?

5 A. Yeah, I think it was exactly the  
6 same time.

7 Q. And what was communicated in that  
8 presentation?

9 A. That Uber was acquiring Otto.

10 Q. Did they -- was there any  
11 explanation of why or what the plans were  
12 going to be going forward?

13 A. Not in great detail. But that the  
14 two technologies complimented each other.  
15 That the trucking -- self-driving trucking  
16 market fit well with the work that Uber was  
17 doing on transportations of service.

18 Q. The -- going back to Spider. Did  
19 Spider use eight fiber lasers?

20 A. Yes.

21 Q. Who came up with the idea to use  
22 eight fiber lasers?

23 A. A combination of engineers.

24 Q. Can you name any specific people  
25 that you are aware of that were involved in

1 that particular design choice?

2 A. James Haslim, Max Levandowski,  
3 Anthony Levandowski, Tom Smith, myself.  
4 There might be other ones.

5 Q. And is it true that each of those  
6 eight fiber lasers would be split eight  
7 ways?

8 A. That was one proposal. I think  
9 that was the final, but yeah.

10 Q. So that would result in 64 total  
11 beams?

12 A. Correct.

13 Q. And who came up with the idea for  
14 each laser to be split eight ways? Was it  
15 the same group of people you think, that you  
16 just mentioned?

17 A. Yeah, possibly.

18 Q. And did you ever inquire from any  
19 one of those people whether the -- that  
20 eight fiber laser design had been derived  
21 from any work any of those people had done  
22 at Google?

23 A. No.

24 Q. Was there any system that preceded  
25 the Spider at Otto?

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1 I, the undersigned, a Certified Shorthand Reporter of  
2 the State of California, do hereby certify:

3 That the foregoing proceedings were taken before me  
4 at the time and place herein set forth; that any witnesses in  
5 the foregoing proceedings, prior to testifying, were  
6 administered an oath; that a record of the proceedings was  
7 made by me using machine shorthand which was thereafter  
8 transcribed under my direction; that the foregoing transcript  
9 is a true record of the testimony given.

10 Further, that if the foregoing pertains to the  
11 original transcript of a deposition in a Federal Case, before  
12 completion of the proceedings, review of the transcript [ ]  
13 was [ ] was not requested.

14 I further certify I am neither financially interested  
15 in the action nor a relative or employee of any attorney or  
16 any party to this action.

17 IN WITNESS WHEREOF, I have this date subscribed my  
18 name.

19  
20 Dated: 4/20/17  
21  
22

23 

24 LISA R. TOW

25 CSR No. 6629

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC

Plaintiff,

vs.

Case No. 17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;  
OTTOMOTTO, LLC; OTTO  
TRUCKING LLC,

Defendants.

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VIDEO DEPOSITION OF DANIEL GRUVER

San Francisco, California

Friday, August 4, 2017

Volume II

REPORTED BY:

REBECCA L. ROMANO, RPR, CSR No. 12546

JOB NO. 2671821

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1 A. I recall discussions likely involving 02:09

2 Anthony Levandowski about [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

02:10

11 Q. Okay. And when is the first discussion  
12 you had, subsequent to your employment at Google,  
13 about [REDACTED] with Anthony Levandowski?

14 A. Sorry. Can you rephrase that?

15 Q. When is the first time you had a 02:10  
16 discussion with Mr. Levandowski related to [REDACTED]

17 [REDACTED] after you ceased employment at Google?

18 A. Sometime probably shortly after I started  
19 at 280 Systems. Possibly about [REDACTED] -- so I  
20 I'll -- I'll clarify that if -- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

02:10

1 [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] that you would have  
5 separation of adjacent points. 02:11

6 Q. Okay. Sorry I interrupted. Go --

7 A. No.

8 Q. -- so ahead.

9 A. So I -- probably, at some point in the  
10 first month at 280, in discussions of ways to 02:11  
11 assemble LiDAR systems, he would have been present  
12 for a conversation about [REDACTED].

13 Q. You said he would have been present  
14 for -- what -- what do you mean by that?

15 A. If I was having a discussion with another 02:11  
16 engineer, he may have been there. I don't know --  
17 I don't recall specific discussions, but he could  
18 have been involved in one.

19 Q. And who were you discussing [REDACTED]  
20 with that you -- that Mr. Levandowski may have been 02:11  
21 present for?

22 A. Max Levandowski and possibly Daniel  
23 Ratner.

24 Q. And this was at Mr. Levandowski's house?

25 A. Yes. 02:12

1 Q. So February 2016, you, 02:12

2 Anthony Levandowski, Max Levandowski and Dan Ratner

3 are discussing [REDACTED] for LiDAR at Anthony's

4 house, right?

5 A. Maybe February. I don't recall when 02:12

6 Dan Ratner started working with us.

7 Q. So it might have been March?

8 A. Yes.

9 Q. But what I said is otherwise accurate?

10 A. Yes. Correct. 02:12

11 Q. And -- and were you talking about [REDACTED]

12 [REDACTED] for a diode-based LiDAR or a fiber --

13 fiber-laser-based LiDAR?

14 A. I believe the fiber-based, but I believe

15 the discussions were on sort of how [REDACTED] 02:12

16 came about in terms of if pulse rates and [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. And who was kind of explaining the [REDACTED]

20 [REDACTED]? Who was the source of the information 02:12

21 here?

22 A. I was describing how sort of mirrors and

23 optics might work to project light.

24 Q. So you were describing [REDACTED] to

25 Max Levandowski and Dan Ratner; is that right? 02:13



1 A. I believe so, yeah. 02:13

2 Q. And Anthony may have been present?

3 A. Yes.

4 Q. Okay. So when was the first time you and  
5 Anthony discussed [REDACTED] subsequent to your 02:13  
6 employment at Google?

7 A. The specific discussions I can remember  
8 were discussions with an Uber employee in the May  
9 to June time frame about, you know, if we were to  
10 build LiDAR systems, the Uber employee was 02:13  
11 explaining what his thoughts on useful, helpful  
12 [REDACTED] would be for a sensor for a  
13 self-driving system.

14 Q. Who is the Uber employee you are  
15 referring to? 02:13

16 A. Scott Boehmke.

17 Q. So just -- my question was, when was the  
18 first time you and Anthony discussed [REDACTED],  
19 and then you referred to discussions with an Uber  
20 employee, so I'm a little bit confused. 02:14

21 A. So I recall Anthony being involved in  
22 those discussions, but I -- I don't remember -- I  
23 happened to remember those specifically than any  
24 discussions I may have had previous about how to  
25 assemble a LiDAR or what [REDACTED] might be. 02:14

1 I, Rebecca L. Romano, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were administered an oath;  
8 that a record of the proceedings was made by me  
9 using machine shorthand which was thereafter  
10 transcribed under my direction; that the foregoing  
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the  
13 original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [ ] was [X] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21  
22 Dated: August 5, 2017

23   
24

Rebecca L. Romano, RPR,  
25 CSR. No 12546